

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHEAL ANTHONY RIOS,

Plaintiff,

v.

MARTIN O'MALLEY,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

No. 1:24-cv-00424-EPG

**STIPULATION AND ORDER FOR
AWARD AND PAYMENT OF
ATTORNEYS FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT**

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, subject to the approval of the Court, that Micheal Anthony Rios (Plaintiff) be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of seven thousand nine hundred and one dollars and twenty-three cents (\$7,901.23). This represents compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an Order for EAJA fees to Plaintiff, the government will consider

1 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to *Astrue v.*
2 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the
3 attorney fees are subject to any offset allowed under the United States Department of the
4 Treasury's Offset Program. After the Order for EAJA fees is entered, the government will
5 determine whether they are subject to any offset.

6 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
7 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the
8 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively
9 "Plaintiff's counsel"), pursuant to the assignment executed by Plaintiff. Any and all payments
10 made shall be delivered to Plaintiff's counsel via electronic transfer.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
12 attorney fees and costs and does not constitute an admission of liability on the part of Defendant
13 under EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to,
14 any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney
15 fees and expenses in connection with this action.

16 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
17 Act attorney fees under 42 U.S.C. § 406(b), subject to the provisions of the EAJA.

18 Respectfully submitted,

19 Dated: October 25, 2024

NEWEL LAW

21 By: Melissa Newel
22 Melissa Newel
23 Attorney for Plaintiff
MICHEAL ANTHONY RIOS

24 Dated: October 25, 2024

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration

28 By: Margaret Branick-Abilla*
MARGARET BRANICK-ABILLA
(*Authorized by email dated 10/24/2024)

Special Assistant U.S. Attorney
Attorneys for Defendant

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ORDER

IT IS HEREBY ORDERED that, pursuant to 28 U.S.C. § 2412, attorney fees in the amount of seven thousand nine hundred and one dollars and twenty-three cents (\$7,901.23) be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: **October 29, 2024**

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE